

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

February 28, 2007

The meeting was called to order at 4:03 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Karen Lang, Phil Conder and Dale Clayton

ABSENT: Mario Cisneros

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Steve Lehman, Jody Knapp and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Joseph Moore, CED Director
Claire Gillmore, Asst. City Attorney

AUDIENCE

Approximately 40 people were in the audience.

CONDITIONAL USE APPLICATION:

C-2-2007

Rio Nilo (Nicolas Vicente)

3572 South 1950 West

C-2 Zone (.55 Acres)

Ms. Jody Knapp presented the application.

The applicant, Nicolas Vicente, is requesting a conditional use permit for Recreational Facility Beer Retailer. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones are C-2, A and R-1-8. The surrounding uses include an office/warehouse complex that is located to the west of this building and is located in the same complex with single family residential just beyond that. To the south is a residential condominium project. To the north is an auto repair/storage lot.

Use:

The Rio Nilo was originally licensed as a Restaurant/Reception Center for weddings, quinceaneras, international events, live music, cultural festivals, dance parties, and live entertainment in September 2006. They have also received an On-Premise Restaurant Beer Retailer license. However, after further review it has been determined that this use is more similar to a Recreational Facility Beer Retailer and not a Reception Center. Also, the restaurant portion of the business is currently not operating.

A Recreational Facility Beer Retailer is defined as a business licensed to sell beer and permit consumption thereof at recreation facilities, excluding public parks. Under this license, no beer is sold in the original containers, but must first be emptied into suitable temporary containers. All sales and deliveries are made directly to the ultimate consumer. Beer is not permitted, or consumed, except that which is purchased on the licensed premises.

A Restaurant On-Premises Beer Retailer License is defined to entitle the licensee to sell beer, not to exceed 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, on the licensed premises, in containers of a size not to exceed two liters, for consumption on the licensed premises. Only restaurants shall be entitled to Restaurant On-Premises Beer Retailer Licenses.

There has also been some discussion that this business is actually a Tavern and per section 17-2-118-(1) of the West Valley City Code on and after July 1, 1982, the City shall not issue any new Tavern Licenses.

A Tavern means a licensed place of business wherein the primary or main business is that of selling beer for consumption on the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code, specifically 17-2-118 and includes a beer bar, parlor, lounge, cabaret, and night club where the revenue from the sale of beer exceeds 30 percent of the revenue from the sale of food although food need not be sold.

Staff requests that the applicant provide written information to support and confirm that they are indeed a Recreational Facility Beer Retailer and not operating as a Tavern. This may require an official audit from the Utah Department of Alcohol and Beverage Control.

Building:

The applicant is proposing to utilize the existing building on site for a concert hall/restaurant. The building was originally used as a craft store business, therefore it was designed for this type of facility. The approximate size of the space being utilized is 18,000 square feet. The West Valley City Fire and Building Inspection Departments are currently reviewing the facilities to determine the maximum occupancy allowed in the building and have indicated it will probably be set at approximately 800 people.

Parking:

Parking has been a major concern and problem for this facility. Parking as per the zoning ordinance for assembly occupancies is required at 1.3 spaces/100 square feet. Rio Nilo is approximately 18,000 square feet, which would require 234 parking spaces. However, the Building and Fire code occupancy allows approximately 800 people. Therefore, Staff feels that 234 parking spaces will not be adequate for this use. The Planning Commission may increase the amount of parking required as a condition of approval if a parking study determines that the parking demand is in excess of the minimum requirements (7-9-104). This application is a unique use in an existing building and staff believes a parking study is necessary to determine the amount of parking required for this use and to create a more accurate relationship between the building occupancy and the zoning ordinance square footage calculation. This study would need to be conducted by an independent licensed Professional Engineer.

A site plan was submitted when the Billings Office/Warehouse project was constructed (C-4-2003) on the west side of the property which shows 175 parking spaces for the

entire site. However it does not accurately show what was constructed. The entrances are not accurate and some additional hard surfacing has been added where future buildings are proposed as part of the Billings Office/Warehouse project. An updated site/parking plan must be submitted that is prepared by a professional Architect or Engineer. This plan must have accurate dimensions and meet all Fire Department access requirements. An updated lighting plan must also be submitted with this new parking layout and the lighting must not negatively impact the adjacent residential uses.

The parking for this use must be located in properly designated parking areas on site and must be located on asphalt or concrete. Gravel can not be used for surfacing for the parking and 1950 West can not be utilized for event parking.

A cross access/parking easement must be prepared and recorded by the property owner that authorizes Rio Nilo to utilize the entire parking area of this site for events and verifies that the other business on site will not be open for business during event times and will not be utilizing any of the parking. The property owner must also submit a letter stating that when the site is further developed as proposed in the Billings Office/Warehouse development that the Rio Nilo use will be terminated due to the fact that the building locations are currently being used for additional parking.

Noise:

Noise has also been a concern at this location. There have been several complaints from the adjacent residents that the bass from the concerts is disruptive. Also, the parking area located on the south side of the site is located only 30' from the adjacent residential buildings. Due to the nature of this business, a large number of patrons leave the facility at approximately the same time, so the noise levels and outside activity can be quite disruptive.

There is an existing concrete/masonry wall surrounding this site however it was not constructed as a "sound-wall" and the adjacent residential buildings are 2-stories high so the wall does very little to block the sound.

A noise study was conducted by the West Valley City Police Department and the sound was within the allowable decibels. However, a formal study must be conducted by the Salt Lake Valley Health Department to verify this result. Staff would like to note however, that even if the noise study does not show a technical violation, it is obvious that there are many noise impacts.

Hours of operation:

The proposed hours of operation are as follows:

Concerts: Friday-Saturday from 8:00 p.m. – 2:00 a.m.

Restaurant: Monday- Saturday 1:00 a.m. – 10:00 p.m. – opening March 2007

Staff has reviewed the hours, and the hours of operation for similar uses, and feel that due to the proximity to residential uses and the Health Department Requirement for a decrease in noise volumes at 11:00 p.m., that the hours of operation should be limited to 11:00 p.m.

Note: Per 17-2-115 of the West Valley City Code, Recreational Facility Beer Outlets shall not sell, offer to sell, furnish, supply or permit the consumption of beer between the hours of 1:00 a.m. and 10:00 a.m. of any day.

Unless otherwise prohibited by law, licensed premises may remain open during all hours, provided that alcoholic beverages are not sold, offered for sale, furnished, supplied or consumed during the prohibited hours specified above.

Security:

West Valley City Police Officers have been hired for security at this site during concert events. Medical personnel will also be required due to the amount of patrons at the events. The exact number of required personnel will be determined by the West Valley City Fire and Police Departments.

Signage:

There is an existing monument sign on the property that the applicant is utilizing as well as wall/awning signs that are within West Valley City standards. The applicant is also utilizing an existing off-premise pole sign located at the southwest corner of 3500 South and 1950 West.

Applicant:

**Nicolas Vicente
3572 S. 1950 W.**

Favored:

**Vivia Escota
Translator for applicant**

Neutral:

**Officer Devin Novara
West Valley P.D.**

Neutral:

**Kris Romijn
West Valley F.D.**

Opposed:

**Edward Slomka
1880 Hometown Farms #4**

Opposed:

**Chad Thorp
1965 W. 3590 S.**

Opposed:

**Norma Wells
1998 W. 3605 S.**

Opposed:

**Linda Gomez
2018 W. 3605 S.**

Discussion: Commissioner Matheson confirmed they do not have an operating license for beer, only restaurant license which allows beer to be served if 70% of food is sold. Jody Knapp replied the applicant's current business license is for a restaurant or reception center. Their current alcohol license through West Valley City is for a restaurant, on-premise beer license. She said West Valley's definition is that 70% food sales must be made for 30% beer sales to be allowed. Jody reported that West Valley City is currently in the process of revoking the applicant's license. She said the applicant is meeting the requirements of the Department of Alcohol and Beverage Control. His license is something similar to an on-premise, non-tavern beer license, allowing 50% beer sales and 50% food sales. As part of the applicant's renewal review, the applicant has submitted paperwork showing he has met that requirement. Chairman Woodruff noted that the off-duty West Valley City Police Officers actually have nothing to do with West Valley. Jody said yes, but there is still a requirement of the police department that they would like to have officers on-site. They do not have to be West Valley City officers, just as long as there is private security. Commissioner Conder asked what restrictions other similar venues have in West Valley. Jody answered USANA has their noise level monitored and they are required to stop concerts at 11:00 p.m. Chairman Woodruff discussed staff's alternatives which include a continuation of this application. Jody explained that staff believes further review is needed for this application and is suggesting the application be continued. She listed the following conditions for the continuance:

1. The applicant must demonstrate that they are operating as a Recreational Facility Beer Retailer and not operating as a Tavern.
2. The occupancy requirements must be in accordance with the West Valley City Fire and Building Inspection Departments requirements.
3. A parking study must be conducted to determine the amount of parking necessary for this use and to make a more accurate relationship between the allowed building occupancy and the square footage calculation. This study must be conducted by an independent licensed Professional Engineer.
4. An updated site/parking plan must be submitted that is prepared by a professional Architect or Engineer. This plan must show accurate dimensions and meet all Fire Department access requirements.
5. An updated lighting plan must be submitted and the lighting must not negatively impact the adjacent residential uses.
6. A cross access/parking easement must be prepared and recorded by the property owner that authorizes Rio Nilo to utilize the entire parking area of this site for events

- and verifies that the other business on site will not be open for business during event times and will not be utilizing any of the parking.
7. The property owner must submit a letter stating that when the site is further developed as proposed in the Billings Office/Warehouse development that the Rio Nilo use will be terminated due to the fact that the building locations are currently being used for additional parking.
 8. A formal noise study must be conducted by the Salt Lake Valley Health Department.

Commissioner Matheson asked if the people who are building the office warehouse behind the applicant's business own both buildings. Jody answered yes. Commissioner Matheson indicated that if the office warehouse is built and in business, its parking lot would be assigned to the office warehouse employees, and Rio Nilo would not have enough parking. Jody replied yes. Commissioner Fuller asked how a sound study could be conducted if the business has been closed down. Jody said the noise study could be made a condition of approval instead of listed as a continued item.

Mr. Nicholas Vicente had an interpreter, Vivia Escota who said the applicant wants to explain things in his own way through her. Mr. Vicente said when he came to West Valley City to apply for his business license, he stated on the application that he would use the business for a restaurant, reception center, weddings, international events, cultural festivals, live music, dance parties and live entertainment. After inspecting, they approved it in September 2006. In November, the Fire Department inspected the building and the applicant was approved for an occupancy of 1,580 people. Mr. Vicente stated he then applied for a liquor license, and was informed he could receive the restaurant license where beer only could be served with a 50% food - 50% beer sales. After he opened the business and started running it, he received complaints about the noise. Then West Valley City Police Department monitored the noise four-times, and the noise did not go over the allowed limit all four times. He explained the events that he brings are cultural events which may not be understood at this hearing because the applicant and his interpreter are the only Hispanics at the hearing. He reminded the USANA Amphitheater is outside, not enclosed. The Fire Department has found some things that are not in compliance with the City's ordinance, but they can be fixed. He works along with the West Valley City Police Department making sure there are no problems such as alcohol abuse or fights. Mr. Vicente informed that he employees 10-15 private security guards that are on the premises to control the events. He has four security guards, one on each end of the parking lot to control the noise or any other problems. Mr. Vicente noted the police officers also control patrons when they are coming out of the event. Because of the license that was given, he booked events, which have to be booked many months in advance. He has events booked up to October 2007. Every contract made with the artists include a deposit in advance. He asked how he can get the money back from the artists

that he's already paid the deposit to if his license is canceled. Mr. Vicente asked the City for the opportunity to finish the established events that have already received deposits. He said during that time, he would do whatever is asked to meet the City's requirements, and then if desired, he will close the establishment. He does not want to do that now, as he would be losing a lot of money. Mr. Vicente informed that last week, he had an event, but it was closed five-hours prior to the event. He had already spent money on hotel tickets, airfare, and 1,000 people had already paid for their tickets. Mr. Vicente assured he is more than willing to work with the City to do whatever is needed to keep the establishment open. He asked for a certain amount of time to continue to run the planned events that he has made commitments with, and then if it is too much trouble for the City to work with him, he will discontinue the business. Mr. Vicente had asked West Valley City Police Officer Novara to testify of the noise tests that were accomplished and passed the City's noise ordinance. He said Officer Novara is at all the events and can verify that they are under control. Mr. Vicente commented that when he was given the license, the West Valley Fire Department allowed the occupancy to be 1,586. The bathrooms met the requirements for that occupancy and the square footage hasn't changed. Now, the City is saying there must be more bathroom stalls, and yet the occupancy is less than what was originally approved. The numbers have changed to a lower amount, but more bathroom stalls are being required. Mr. Vicente stated he did not make the license, but only requested it, and he received it. He said the building was inspected, he was told what he could have, what the license was good for, and he is working according to the license he was given. He does not see that he has done anything wrong.

Ms. Claire Gillmore, West Valley City's Assistant Attorney felt compelled to remind the Commission that their authority extends only to the consideration of the conditional use application. It does not extend to issues associated with the applicant's business license. It does not extend to determinations that the Fire Department has made or that the City's Building Inspection Department has made. The issue at hand is the applicant's conditional use application only, and that this Commission really does not have any authority to make any decisions with regards to the applicant's business license. Chairman Woodruff confirmed that the applicant did not require conditional use approval for a restaurant or reception center. Claire Gillmore replied yes, this is correct for that zone. Commissioner Matheson asked if the Commission can address land use issues such as parking and noise ordinances, etc. Claire answered yes, that is correct.

Commissioner Clayton asked if the artist would perform all the time the business was open, until 2:00 a.m. Mr. Vicente explained the events are not held on every Friday and Saturday, because then it wouldn't be something that is really not cultural. The events are held maybe one or two times per month, sometimes not at all during a month. They have only had six events from September to February. The main artist that comes will play from 11:30 p.m. to 1:00 a.m. Prior to that, they have local bands or a D.J. play for the entertainment of the attending people. He assured they control the music level. Mr.

Vicente stated the served food would depend on where the artist comes from, such as if the artist comes from Peru, then Peruvian food would be served; a band from Guatemala would have Guatemalan food served, etc. Chairman Woodruff asked if there has ever been an event that actually held 1,500 people. Mr. Vicente answered yes, it was a Mexican event, but they still did not exceed the allowed occupancy. Jody Knapp clarified that originally the business license was for a restaurant/reception center for the events. Staff and West Valley City's Legal Department determined that a reception with live music or a private reception was very lot different than selling advanced tickets for a concert venue. She said this is why we are here today, for the recreational facility beer retailer because a concert venue is more of an intense use than a reception center. Jody said that since the initial approval some changes have been made to the building without permits. She explained some sprinkler heads have been painted and covered over, an exit door has been blocked, and that is why the occupancy has been changed. Furthermore, there have been tables and chairs added to the floor space as well as a storage room facility that was remodeled which changed the occupancy load. Jody reported a representative from the Fire Department that performed the latest inspection was in attendance to answer any questions. The applicant was approved for a restaurant/on-premise beer license from West Valley City, but West Valley is more restrictive than the State of Utah, which means West Valley's license would be the 70%-30%, not the 50%-50% sales percentage. The applicant asked if the initial occupancy level of 1586 was given when the business was open as a restaurant/reception center, they had to have considered there would be chairs and tables. He also felt there was an error with the Fire Department as far as the hood system, since the report says it was tested in 2005, and this license was given in 2006. He asked how the Fire Department could have approved the license if the items have not been tested. Mr. Vicente agreed with the Fire Department regarding the painted sprinkler system, but said this could be taken care of easily. He explained one wall only had insulation with no sheetrock, so sheetrock was placed over the un-insulated wall, which may have been considered remodeling. Mr. Vicente was told he should not have done these things without permission and he apologizes for this. The ice making machine was in this location previously when the inspection was made with an extension cord to it. Chairman Woodruff reminded the applicant that the Commission cannot address the building code issues. Mr. Vicente confirmed the license he received is for what they are now doing, international events meaning musicians from other countries playing music. He said no local dances are held like a night club.

Officer Devin Novara indicated he took noise tests on two occasions and one other officer performed the tests on another occasion. He said he tried to get the County Health Department to perform the noise test, but they were unable to come to the location. Officer Novara stated they did their own tests with a machine that reads the level of noise with decibels. On three different occasions the tests were performed between 11:00 p.m. and midnight. He explained the noise must be a constant level that goes between 55 and 60 decibels. When they performed the test, it hovered between 50-60, and every 4-5

minutes, it would jump up between 70 and 80 decibels then jump right back down. Officer Novara reported the traffic on I-215 made about the same noise, jumping up higher when a truck would drive by. Chairman Woodruff asked if he actually attended the events. Officer Novara answered yes, he was asked to get off-duty officers there for security reasons after the first event which had many problems. He came to the location specifically to do the noise readings, to find out what the occupancy was and to see what the traffic problems were. Chairman Woodruff inquired if there have been any more problems after the first event. Officer Novara replied he discussed the events from a previous concert every Monday morning with other officers. He noted there have been some fights, and at the last concert, there was a large fight inside the building which officers had to break up. There have been a few parking problems and noise complaints, but those were mainly from the first set of concerts. Chairman Woodruff questioned if there were problems with patrons leaving at 2:00 a.m. after an event. Officer Novara commented that two to four officers would leave the concert about one-half hour before ending to go into the parking lot attempting to get patrons into their vehicles quickly and out of the parking lot. He said there are only two exits to go north or south on 1950 West, and although they do the best they can, there have still been some problems. Commissioner Matheson asked if patrons would park along 1950 West. Officer Novara said yes and no, depending on the concert. He mentioned they did park on 1950 West at two of the larger concerts. Commissioner Matheson perceived 1500 people could not park in 175 parking spaces. Officer Novara was not there at the first concert, but the owner had rented out other parking lots for the other concerts. The applicant would have people directing patrons into those parking lots. Commissioner Matheson summarized the applicant had made arrangements for the additional parking. Officer Novara replied yes, that is what he was told.

Kris Romijn of West Valley City's Fire Department reminded he was not in attendance to address code issues. He reported that when the occupancy was approved, it was explained to him that the building would have open space. When the inspection was conducted it was just open space, with no divider walls or tables set up at that time. Since that time, it has changed, and building permits were not taken out to perform those changes. The sprinkler heads have been painted over and require immediate attention. The fire extinguisher system shows 2005 on the riser, and Mr. Romijn asked Mr. Vicente for paperwork to clear up this issue. He explained it has been very difficult to get access along 1950 West when a concert is held due to the parking problem. Chairman Woodruff asked if these are insurmountable problems. Mr. Romijn replied no, as he told Mr. Vicente the Fire Department would work with him if he contacted a sprinkler company over the weekend to resolve the sprinkler problem. The applicant was also asked to have someone address the exits, as these are life safety issues, but the Fire Department would work with the applicant to get them into code.

Mr. Edward Slomka lives approx. 500-feet southeast of Rio Nilo and there is no retaining

wall between the business and his residence. He said there is noise all night long from this establishment and when patrons leave, it is like living next to I-215. Mr. Slomka informed patrons park on 3600 South and business parking lots are rented out for patrons to park increasing the traffic. He said there have been times it has been difficult to drive home on 1950 West due to traffic problems. Mr. Slomka is opposed to this business continuing.

Mr. Chad Thorp told the Commission his house is the closest to this business. He said his driveway is blocked every time there is an event with people parking in his driveway. He has had beer bottles thrown through windows, and had over seven windows broken out of vehicles. He owns many vans because he owns a cleaning company, and windows have been broken out of each van, as well as the vans being spray painted. Mr. Thorp noted his fence has been spray painted from his mailbox all the way to Stone Creek Condominiums. He mentioned all of this vandalism occurs on the nights that there are events at this business. When patrons leave, they are peeling out, screaming, and throwing bottles in the street. It is impossible to sleep when there is an event. He stated he lives right on 1950 West and there is big brick wall that separates this business from his house, but it does not take care of the problems or the noise.

Ms. Norma Wells lives in Stone Creek. She gave the Commission a petition with over 70 signatures from Stone Creek residents who oppose this business. She said there is broken glass, graffiti, and late at night when they leave, there is yelling, screaming and engine revving. She disputed the reported number of concerts stating there have been more than six events. Ms. Wells explained they wish Mr. Vicente success with his business, but want him to locate the business somewhere else. She noted Mr. Vicente started announcing he would open the business in June. He was issued a license on September 8, 2006. She is afraid their property values may drop and some people want to move. This business has made their life miserable, and they just want their quiet residence of 56 units back to normal again. Chairman Woodruff asked Lori Cannon to read what the petition said prior to the signatures. Lori Cannon read the first paragraph of the petition.

Ms. Linda Gomez informed that her bedroom window sits 20-feet from the fence where people park to attend the events. She said although it has been referred to as a recreation center, but it is a dance club. Ms. Gomez stated music begins at 7:00 p.m. and it does not end until 2:00 or 3:00 a.m. She noted people are in the parking lot screaming, gunning engines, urinating on the fence, and at the last concert, there was drug use in the parking lot. Ms. Gomez commented residents are worried about their property values, and she is worried about her grandchildren who live three-doors down waking up at night being exposed to this noise. She realizes this business is in a business zone but it is surrounded by residents. The business that locates there should be appropriate for the residents that live by it.

Mr. Vicente perceived there was confusion about when the business started because from June to August 2006, Mathews was operating the business playing heavy metal rock in the building. He assured the first event was held September 27, 2006. Mr. Vicente believes the owner of the carpet cleaning business has a problem with the actual owner of the building due to different issues. Chairman Woodruff informed that the Commission listens to attendee's comments and tries to make a decision that is right for the application. Mr. Vicente said the carpet cleaner owner is lying. He has ten professional police officers working at this business who know their job, what to look for, and how to control the crowds.

Mr. Chad Thorp said he has police reports from when his equipment was spray painted. He told the Commission that the applicant speaks perfect English and didn't understand why an interpreter was needed. Mr. Thorp commented he did clean the building owner's carpets and there were issues, but there was not a fight about the issue of non-payment. He does not have anything against the building owner, but wants to address the club itself. He said the club is out of control, out of hand, bottles and windows are broken and he has had a vehicle stolen with police records to prove it.

Commissioner Conder clarified that the purpose of the Commission is to determine that if all the required licenses are valid, such as business license and if the Fire Department approves of the business, then the Commission places conditions upon which the applicant can operate his business. Claire answered yes, that is correct. Commissioner Conder noted the Commission does not determine if it is a good or bad business, but to determine what kind of conditions should be placed on the business. Claire replied that is correct, conditions can be set related to the concerns heard at this public hearing. Commissioner Conder listed the issues such as security, parking, lighting, and noise which have not yet been resolved. He suggested the application be continued because a decision cannot be made at this time to determine what the parking should be when the Commission does not know what constitutes the parking. It would be too difficult to know what conditions to set for this application. Commissioner Lang asked if the Commission should also determine if this business is appropriate at the location. Chairman Woodruff reminded the Commission that the State Legislature has said the Commission cannot deny a conditional use. Claire Gillmore noted that in order to get the Recreational Facility Beer Retailer License, the applicant would first need to have a conditional use approved by the Commission. She thought the Commission was referencing for a moment the other business license issues that Mr. Vicente had. But for this particular license, yes, this Body would need to place those conditions. Commissioner Lang wondered if this Commission feels this business is appropriate at this location. Claire stated this is a conditional use and the Commission should consider conditions that would be placed on the use. Chairman Woodruff questioned if this Commission could deny this conditional use. Claire replied that staff would not recommend denial of this application. Commissioner Matheson reminded that this

business presents traffic problems which are land use issues. This is a residential neighborhood, with basically one street in and one street out creating an obvious traffic problem. A traffic study would need to be performed by a professional traffic engineer. Parking may be mitigated if proof of rented out locations is obtained to make up the amount of needed parking. He did not believe 1,500 people could park in 175 spaces. Commissioner Matheson said this is not a good location to have this facility. He believes there are other locations in West Valley for this type of facility which have better traffic and parking features, which would also be away from residential to alleviate noise issues. He stated he would deny this application due to land issues. Commissioner Lang mentioned one condition of approval would be that the business closes at 11:00 p.m. She said the City does this with many other businesses including fast food establishments located near residential. Commissioner Mills felt the intensity is far too great for this location. Conditions should also entail the occupancy itself, as it seems to be a great safety hazard to have the high number of attendees. It is also a safety hazard for the residents as their well-being is disrupted on a regular basis while the concerts are being held, as well as the feeling of lack of safety when the concerts end into the morning hours. She sees many problems and did not know if all the issues could be adequately addressed at this meeting or if the application should be continued.

Commissioner Conder agreed that some issues might be missed if the Commission attempted to address all the concerns. He thought the traffic issue should be added as one of the items that need to be addressed. Commissioner Conder suggested there should be sever restrictions to make the business tolerable to nearby residents, as it should not impact the residents.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for continuance to allow the resolution of any issues raised at the public hearing as well as allowing the applicant time to complete and resolve the following:

1. The applicant must demonstrate that they are operating as a Recreational Facility Beer Retailer and not operating as a Tavern.
2. The occupancy requirements must be in accordance with the West Valley City Fire and Building Inspection Departments requirements.
3. A parking study must be conducted to determine the amount of parking necessary for this use and to make a more accurate relationship between the allowed building occupancy and the square footage calculation. This

study must be conducted by an independent licensed Professional Engineer.

4. An updated site/parking plan must be submitted that is prepared by a professional Architect or Engineer. This plan must show accurate dimensions and meet all Fire Department access requirements.
5. An updated lighting plan must be submitted and the lighting must not negatively impact the adjacent residential uses.
6. A cross access/parking easement must be prepared and recorded by the property owner that authorizes Rio Nilo to utilize the entire parking area of this site for events and verifies that the other business on site will not be open for business during event times and will not be utilizing any of the parking.
7. The property owner must submit a letter stating that when the site is further developed as proposed in the Billings Office/Warehouse development that the Rio Nilo use will be terminated due to the fact that the building locations are currently being used for additional parking.
8. A traffic study to be performed by a licensed traffic engineer.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority – C-2-2007 – approved

ZONE CHANGE APPLICATIONS:

Z-3-2007

Hamlet Development

3615 South Redwood Road

C-2 to R-1-7

7.92 acres

Mr. Steve Pastorik presented the application.

This application was continued during the February 14, 2007 Planning Commission hearing as requested by the applicant.

Hamlet Development has requested a zone change for a 7.92 acre parcel at 3615 South Redwood Road from C-2 (general commercial) to R-1-7 (single family residential, minimum lot size 7,000 square feet). Surrounding zones include M (manufacturing) to the north, C-2 the south and west, and R-1-6 to the east. Surrounding land uses include vacant land to the north, A.A. Callister to the west, storage units to the south and single family homes to the east. The subject property is designated as general commercial or medium (6 to 10 units/acre) to high (10 to 20 units/acre) density residential in the West Valley City General Plan. With medium to high density residential, most requests are typically for attached housing. This proposal is for single family detached housing with a density of just over 7 units/acre. This density is at the low end of the medium density range which means we would anticipate lower impacts than townhomes or apartments. Also, single family detached home values are typically greater than condos or townhomes.

Development Proposal

The conceptual subdivision layout submitted by Hamlet Development, which is attached, indicates a total of 56 cluster type single family lots accessed by a private street south of the Callister building. The proposed density is 7.07 units/acre, which would be a PUD in the R-1-7 Zone. The concept is to create an attractive streetscape through Victorian style architecture including porches, tree lined streets, and autocourts that place driveways and garage doors to the rear of the home and out of view from the street. If approved, the road layout proposed would support the expansion of this type of development to the north.

Attached to this report is a letter from Hamlet Homes that explains the proposal and reasons why it should be approved.

Development Agreement

A development agreement is required for this project. Section 7-14-105 (3)(l)(x) of the

West Valley City Zoning Ordinance states: "All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(1)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet."

Attached to this report is a proposed development agreement for this project entitled "King's Barn Design Standards." This draft includes changes that were requested by City staff. These changes included wider sidewalks, larger homes, higher points required for architectural requirements and enhancements to the architectural requirements. If approved, the standards proposed would be used in place of the City's architectural requirements.

One issue that is still being considered by the applicant is how to treat the space between homes. In other words, should it be private, fenced space or common space. This issue could be resolved as part of the development agreement now or as part of the PUD review process later.

Also included with this report is a letter from Mr. and Mrs. Kullsick who live east of the subject property. A copy of their letter was forwarded to Hamlet. The following is a summary of their points and a response to each:

- Point 1: Several residential developments have been either approved or proposed east of Redwood Road. Are there adequate private and government services in the area to service these developments?
- Staff Response 1: As far as government services go, medium to high density residential use is anticipated in the General Plan. The City's General Plan is the City Council's adopted land use policy. If the City has adopted a plan that anticipates residential, the City is essentially saying that we are prepared to service these areas. As far as private services, the City can encourage development of private services but has no direct influence over them.
- Point 2: Construction debris was dumped on the site. Also, they are concerned about grading and drainage given the topography.
- Staff Response 2: Assuming the rezone is approved, a geotechnical report will be required as part of the subdivision process to evaluate soil conditions. Storm drainage and grading will also be reviewed during the subdivision process.
- Point 3: There is only a single point of access with an emergency access on the north edge of Callister's.
- Staff Response 3: The Fire Department has counted an emergency access as a second

point of access for emergency response. Also, potential development on the property to the north could provide an additional access.

- Point 4: Developer commitments on other nearby developments were not fulfilled.
- Staff Response 4: One example that was cited was that the Compass Renaissance project was presented as owner-occupied housing; yet, there are some rental units in the development. Compass Renaissance was a for sale townhome development; however, once someone purchases a home (whether it's a condo, townhome or single family detached home) the City cannot prevent the home from being rented. As far as ensuring that the City gets what the developer is proposing now, that is the purpose of a development agreement.

Applicant:

**Mike Brodskey, Hamlet Homes
308 East 4500 South
Redwood Rd.**

Favored:

**Dave Martin
Purchasing Manager
for Hamlet Homes**

Concerned:

**Greg Sprinkel
3579 South**

Discussion: Mr. Mike Brodskey, with Hamlet Homes, passed out a booklet to the Commission showing what the project would look like. The booklet showed architectural designs and the applicant assured the units exceed the City's point system 2X. He said no two same elevations would be placed side by side. Mr. Brodskey reported the density would be just over seven units per acre. He mentioned the minimum size for a unit would be 1,600 sq. ft. on two floors, along with an unfinished basement. Mr. Brodskey commented the homes would be comparable in architectural features as what was shown in the booklet he gave Commissioners. He stated this development would be very similar to the Maples development located in West Jordan, but the homes would be facing the street. Commissioner Clayton asked questions regarding parking. Mr. Brodskey explained two cars can be parked in both driveways without having trouble getting in and out. Commissioner Clayton questioned if the area behind the units would have enough room for children to play games like ball. Mr. Brodskey answered there is little green space area in the rear, as this development has been devised as an alternative to townhouse living. He mentioned the auto courts form a playground area near the end. Commissioner Conder asked about fencing. Mr. Brodskey replied fencing has not yet been determined. He suggested white picket fences in the front and nothing in the rear. Commissioner Lang asked if there was guest parking. Mr. Brodskey said guests could park on the street, as there would be an excess of 90-parking spaces for 56 homes. He indicated the striped parking area would be on one side of the road only. Commissioner Mills asked how this development is different than the Maples in West Jordan. Mr. Brodskey noted the appearance is different, and the park strip would be wider to help with removal of heavy snow fall. He informed the budget allows for snow removal for sidewalks and auto courts. Commissioner Matheson was concerned there may be some hazardous waste on the site. Mr. Brodskey was also very concerned about this, and plans to have testing performed as soon as the rezoning is approved. He said once trenching is

performed they will determine if it is feasible for development. Commissioner Mills asked if the applicant was concerned about an adjacent chainlink fence which had razor wire on top of the fencing. Mr. Brodsky reminded nothing could be done on someone else's property, but he perceived the vinyl fence that will be installed should partially shield the chainlink fence. He wants to place a monument sign on Redwood Road, but if not possible, he will place a monument sign on his property. Commissioner Fuller reminded that PUD's are traded off for recreational facilities, but his development only has a small park. Mr. Brodsky explained higher density units could allow more open space, but this application for single units has been received better by the City and home buyers. He said it is an expensive site and they must consider the economic feasibility to make the project work. Commissioner Fuller wondered if a clubhouse might be beneficial. Mr. Brodsky replied a clubhouse is an expensive amenity to support, especially with only 56 homes. Commissioner Mills questioned the durability of the proposed vinyl siding. Mr. Brodsky displayed an example of the material and explained about the foam backed siding.

Mr. Dave Martin is the Purchasing Manager for Hamlet Homes and he discussed the proposed vinyl siding. He said the impact is 300% greater than regular vinyl siding, sound is reduced by 45%, and it is a maintenance free product. He displayed all the possible architectural details and distributed a sample of the material to the Commission. Commissioner Mills reminded that some of the booklet's pictures showed homes with stone, and she thought stone would be very attractive for the units.

Mr. Mike Brodsky assured there are a variety of textures with the vinyl material, providing a modern look. He said there is very little masonry used on other houses, and he did not want masonry on the buildings because he wanted to keep it authentic. Mr. Martin showed some of the colors determined for this project by their architect. He noted buyers will be allowed to choose their home colors from specific color pallets. Commissioner Clayton was concerned some windows may be straight across from each other. He asked if the units could be offset so home owners will not be able to see right into a neighboring house. Mr. Brodsky reminded there are three different floor plans, and it would depend on what the buyers choose.

Mr. Greg Sprinkel told staff he did not receive a notice for this application. He informed that he and his brother own property directly to the west of this application. They are going through probate court for this property and are also working on a feasibility study. Mr. Sprinkel said he was informed that no single units would be considered for this area unless all three lots came in together. As a result, they did not pursue development. Mr. Sprinkel wondered how the applicant plans to address drainage and sewer issues. He also had concerns regarding materials that were dumped on this property, as well as egress/ingress issues. Mr. Sprinkel wants to rezone his property if the City does not now require all properties to work together. Steve Pastorik explained the City receives address

labels for noticing from Salt Lake County. He said the City's Master Plan for the property north of this application is commercial. Steve was not prepared to address issues regarding access on Mr. Sprinkel's property, but stated access to this application is through a private street. Chairman Woodruff informed that all engineering issues including sewer and water are worked out in the subdivision phase if the rezoning application is approved by the Planning Commission and City Council. Mr. Sprinkel informed that an imperfect survey conducted by Neil Engineering has resulted in questions regarding 3.4-feet of property. He said this issue has not yet been resolved. Steve replied the City does not require a survey during a zone change, and this issue will also need to be resolved during the subdivision phase.

Commissioner Matheson said that although there are problems which could be resolved during the PUD stage, he thought this use would be better than apartments or townhomes. Steve suggested the development agreement require the units have rear and side elevations similar to what was displayed in the applicant's booklet. Commissioner Mills thought it was a nice development, but could be better if combined with the other two properties for a commercial development. Chairman Woodruff reminded the Commission can only address this application. Commissioner Fuller would like to see what could be done with other properties included. He would like to have larger lots on the east side of West Valley City. Chairman Woodruff noted it would be easy to repeat this type of development on the other side of the street. Commissioner Mills suggested mature trees be planted to keep existing residents yards more private.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the zone change from 'C-2' to 'R-1-7' subject to the development agreement submitted by the applicant as well as the following:

1. More mature landscaping should be planted along the east side of the property.
2. The side and rear elevations of the homes should look the same as displayed in the booklet which was shown to the Commission at the public hearing.

Commissioner Lang seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Fuller	No
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority – Z-3-2007 – approved

Z-6-2007

Douglas and Elaine Thorup
3048 South Thorup Circle

R-1-8 to A
0.33 acres

Mr. Steve Pastorik presented the application.

Douglas and Elaine Thorup have requested a zone change for a 0.33 acre parcel at 3048 South Thorup Circle from R-1-8 (single family residential, minimum lot size 8,000 square feet) to A (agriculture, minimum lot size of ½ acre). Surrounding zones include A to the north, R-1-4 to the west and R-1-8 to the south and east. Surrounding land uses include a construction business to the north that has been in place since 1972 (a nonconforming use), single family homes to the east and west, and a duplex to the south. The subject property is designated as low density residential, which allows 3 to 4 units/acre, in the West Valley City General Plan.

The following information was submitted to staff by the applicants as reasons for their rezone application:

“We, Douglas O. and Elaine S. Thorup, owners of Lot #4- Thorup Estates Subdivision (the subject property) per attached paperwork, propose changing said Lot #4 from zone R-1-8 to A for the following reasons:

1. We are currently trying to obtain a conditional use permit for the purpose of obtaining a kennel permit. Property to the north of Lot #4, also owned by us, is currently zoned A. Changing the zoning will bring Lot #4 into compliance with requirements for said use permit.

2. The purpose of the conditional use permit is to operate a dog kennel business, breeding, selling and grooming a specialty breed called Toy Poodles. This breed ranges in size from 4 – 7 pounds and stands 9 – 10 inches high. The said permit will be for a total of 8 to 10 adult animals at any one time, generally less.
3. Our home and yard have been improved to provide for the care and containment of these dogs. All of our adult dogs have been or will be surgically de-barked, to virtually eliminate any noise problem.
4. We will also apply for a small business permit to conduct this business.”

Issues

There are issues with this application that may be able to be mitigated through a development agreement.

Lot Size

The A Zone requires a minimum lot size of ½ acre. The subject property is 0.33 acres. However, the property to the north is already zoned A. The Thorup Estates Subdivision could be amended and extended to include the subject property with the parcel to the north.

Building Permit

As mentioned by the applicants, their home has been improved to provide for the care and containment of the Toy Poodles. A building permit was issued on November 24, 2003 (permit # 30427) for a 340 square foot addition to the applicants' home. Several inspections were approved; however, this permit was not completed as a final inspection was never requested.

Surrounding Uses

Neighboring uses on 3 sides are residential. To address this, the applicants' have limited the size of the kennel in terms of area and the number and size of dogs as well as committed to surgically de-bark the dogs. Staff recommends that these commitments be outlined in a development agreement.

Applicant:

**Doug Thorup
3048 Thorup Circle**

Applicant:

**Elaine Thorup
3048 Thorup Circle**

Discussion: The applicant, Doug Thorup said that he thought his home expansion was finalized after the last building inspection. He indicated that if this application is approved, he will apply for conditional use approval for a kennel. Mr. Thorup talked

about the Toy Poodles that he and his wife raise. He now has two males and three females, and once their puppies are old enough, they sell the puppies. The dogs are de-barked after they are 8-months old, and the dogs do not leave premises as they are contained in the house and yard. Mr. Thorup told the Commission that they show the dogs, and the puppies are sold all over the world. He did not perceive traffic would be a problem. Ms. Elaine Thorup indicated this is about quality not quantity, as the dogs have a very good bloodline. She showed the Commission pictures of the dogs noting they have a quality line and most are champions. Commissioner Matheson asked about access to the north of this property. Mr. Thorup stated he and his brother owns the adjacent property, and they share an egress through the back property. He informed that in the past, this property was used to raise farm animals and has a large garden with culinary water. Commissioner Fuller asked if the construction equipment located in the rear of the property would be removed when Mr. Thorup retires. Mr. Thorup replied no, his construction business will be passed onto his children. He commented he does not have a lot of equipment. Commissioner Conder asked how many puppies the dogs have in one litter. Ms. Thorup answered two to three per dog, so they may have a total of six puppies at one time. She mentioned she may want to keep a puppy if it is a good show dog. Steve Pastorik reminded of the limit of ten-adult dogs. Commissioner Mills wanted only five-adult dogs to be the limit. Ms. Thorup explained she may want to keep more dogs, and requested the limit be left at ten-adult dogs. Commissioner Mills wondered if the condition of ten-adult dogs would run with the land. She thought ten adult dogs were excessive, especially since there would also be pups that would not be counted in that number. Commissioner Mills was concerned with health issues, ventilation systems, and what the City is creating for the future. Mr. Thorup indicated the wording is to restrict a total of ten-adult toy poodles, as they do not plan to expand. He explained the materials in the house are easy to clean, and the dogs can go outside in a fenced area if desired. At 10:30 p.m., the dogs are placed in stainless steel kennels. Commissioner Conder asked what age puppies are considered adult dogs. Mr. Thorup replied six-months. Chairman Woodruff did not have a problem with ten-adult toy poodles.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the zone change from 'R-1-8' to 'A' subject to the development agreement with the following requirements:

- Before the zone change becomes effective, the applicants will amend and extend the Thorup Estates Subdivision to include the property to the north (parcel #: 1529254014) and combine it with the subject property.
- The building permit issued for the house addition in 2003 shall be finalized.
- A conditional use permit and business license application shall be applied for within 30 days of the subdivision and zone change approval.

- The kennel will be limited to no more than 10 adult Toy Poodles.
- All Toy Poodles will be surgically de-barked.
- The space used for the kennel shall be limited to the 340 square foot addition and the fenced in area in the front yard that is adjacent to the addition.

Commissioner Lang seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority – Z-6-2007 – approved

Z-7-2007

Magrath Pacific

1483 West 2320 South

A to RM

1.54 acres

Mr. Steve Pastorik presented the application.

Ian Dunn, who works for Magrath Pacific, has requested a zone change for two parcels totaling 1.54 acres at 1483 West 2320 South from A (agriculture, minimum lot size of ½ acre) to RM (multi-family residential). Surrounding zones include A (agriculture) to the west, R-1-8 (single family residential, minimum lot size of 8,000 square feet) to the north, R-2-8 (residential duplex, minimum lot size of 8,000 square feet) to the east, and RM to the south. Surrounding land uses include a single family home with agricultural use to the west, single family homes to the north, the Aspen Grove Apartments to the east and the Red Oaks Townhomes to the south. The subject property is designated as medium density residential, which allows 6 to 10 units/acre, in the West Valley City General Plan.

Development Proposal

The concept plan, which is attached, submitted by Mr. Dunn indicates a total of 12 townhomes with a resulting density of 7.8 units/acre. Included with this report is a document from the applicant entitled “Justification for Development” that outlines the reasons for the rezone as well as project commitments. Conceptual elevations were submitted; however, after reviewing these with staff, the applicant has decided to amend the elevations. These revised elevations should be available for review during the public hearing.

The minimum proposed size of the units is 1,700 sq. ft. This is the same minimum size proposed for the Center Pointe Hollow Townhome development to the west. For comparison, the Red Oaks Townhomes to the south range in size from about 1,150 to 1,500 square feet while the single family detached homes to the north begin at approximately 960 square feet.

Issues

Project Size

The condominium ordinance, which would apply to this project, states:

“Condominium development shall have an area greater than five acres. However, the Planning Commission may consider development proposals less than five acres, but not less than one acre, if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design, and location.

(a) Development. The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering, and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation, and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land use in the surrounding area.

(b) Construction Materials. Quality exterior materials including brick, stone, stucco, or other materials of similar high quality, durability, and low maintenance may be provided, as accepted by the Planning Commission.

(c) Interior Amenities. Quality interior provisions, including amenities such as a fireplace, vaulted ceilings, and in-unit washer/dryer hookups.

(d) Fencing. Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences, or a combination of these materials.

(e) Parking. Covered parking and/or garages may be required for all units.

- (f) Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development.
- (g) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, landscaping, and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.
- (h) Security. The development may be designed to support security services, taking into account public safety recommendations from the West Valley City Police Department.
- (i) Landscaping. The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers, and a combination of evergreen and deciduous trees.
- (j) Home Owner's Association. The development may be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
- (k) Recreational Amenities. Each development may provide recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.”

Since this project would be under 5 acres, the project would need to include at least 3 of the development standards listed above. Based on the information submitted for the rezone, staff would give credit for the following items from the above list:

- (a) Development. The conceptual layout separates the buildings from the animals and provides development options for the property to the north. Also, the Aspen Grove Apartments, Red Oaks Townhomes and the Center Pointe Hollow Townhomes are 2 story buildings like those proposed for this property.
- (b) Construction Materials. 100% is proposed and is now required by the ordinance. (The condo ordinance predates the multi-family design standards ordinance).
- (c) Interior Amenities. The multi-family design ordinance requires washer/dryer hook-ups and the units will be at least 1,700 sq. ft. Other interior amenities may also be included.
- (e) Parking. All units will have a two car garage.
- (i) Landscaping. All common areas will be landscaped. Typically, landscaping details are worked out during the subdivision review process.

(j) Home Owner's Association. The applicant is proposing an HOA to maintain all of the common areas.

Other items could also be considered as more details on the project are provided.

Concerns from Neighbor

Attached to this report is a letter from Susan Drechsel, who owns the property directly to the west. Staff talked with Susan about her concerns. After our discussion, Ms. Drechsel's main concerns are: providing adequate screening/fencing for her animals to minimize conflicts with new residents, keeping access open to the rear portion of her lot, and keeping future development options open. In staff's opinion, the concept plan does keep development options open by placing the private street along the west side of the property. In the short-term, this private street could provide access to the rear portion of Ms. Drechsel's property. On the issue of fencing, the City required, as part of the development agreement, an 8' chain-link fence with vinyl slats for the Center Pointe Hollow development west of Ms. Drechsel's property. Ms. Drechsel's preference is a 10' fence to completely screen the animals. Staff would recommend at least an 8' chain link fence with vinyl slats.

Development Agreement

The standards proposed by the applicant for a development agreement are outlined below:

- No more than 12 dwelling units will be built on the subject property.
- All dwelling units shall have a 2-car garage.
- The minimum size for all dwelling units shall be 1,700 square feet.
- Building exteriors shall be a combination of brick, stucco, or hardie plank.
- A tot lot will be constructed within the common area.
- An entrance feature will be provided.

The concept plan proposed includes 2 and 4 unit buildings. The multi-family design standards apply specifically to buildings with 3 or more units; however, in this situation, staff believes the standards are appropriate for all units in this proposal. So, staff recommends that the development agreement require that all units meet the multi-family design standards in the Zoning Ordinance (Chapter 7-14 Part 3).

To address concerns from Ms. Drechsel, staff recommends the following additional development agreement standards:

- An 8' chain link fence with vinyl slats shall be required along the west property line.
- The private street providing access to the townhomes shall be installed along the west side of the property to facilitate the future development of the property to the west.
- Access to the rear portion of the property to the west shall be provided from the private street along the west side of the subject property through a gate in the fence.

Applicant:

Ian Dunn

10 W. Broadway, #800J

Discussion: Commissioner Clayton thought it was a good idea to have all three properties come in together for zone change and development. Mr. Ian Dunn said this might work if there were ten-units to the acre. He noted that if the Commission feels this would be too dense, then he would request approval of the original application at 8-units per acre. Mr. Dunn asked if the current application could be continued if the amended application is not approved. Steve Pastorik replied yes.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for a continuance for reasons determined at the public hearing.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – Z-7-2007 – approved

Commissioner Lang moved for a five-minute break.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - Public Hearing recessed for five minutes at 6:27 p.m.

The Public Hearing reconvened at 6:33 P.M.

Commissioner Mills excused herself from the Public Hearing.

SUBDIVISION APPLICATIONS:

S-6-2006

Blue Sky Subdivision

3819 South 4800 West

R-1-8 Zone

4 Lots

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Jeff Condie is requesting preliminary and final plat approval for a 4-lot subdivision in the R-1-8 Zone. The subdivision is bordered on the north, east and south by existing residential development. The developer received approval in March 2006 for a 2-lot subdivision, but at the request of the Planning Commission, he has modified the plat to include property to the north.

STAFF/AGENCY CONCERNS:

Fire Department:

- A Fire hydrant will need to be within 250 feet of the back dwelling.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Revisions to plat are required.
- Developer will need to replace or repair any damage to existing improvements along 4800 West.
- Building Official to review soils report.

Building Inspections:

- Basement floor elevations shall not exceed 62 inches from top back of curb.

ISSUES:

- The developer is requesting preliminary and final plat approval for the Blue Sky Subdivision. The subdivision will consist of 4 lots on 1.04 acres. Lots range in size from 9,353 to 13,183 square feet. The average lot size in the subdivision has been calculated at 11,300 square feet.

- Currently, lots 1 and 2 have existing residential units. These are intended to stay as part of the new subdivision. The subdivision is being proposed with two flag lots utilizing one point of access from 4800 West. All frontage and area requirements relating to flag lots will be met as part of this application.
- Access to the subdivision will be gained from 4800 West. Curb, gutter and sidewalk presently exist along 4800 West. The developer will need to coordinate new drive approaches and utility connections with Public Works and other agencies. If existing improvements are damaged, or are in need of repair, the developer and/or builder will need to coordinate this with Public Works as well.
- As with all new subdivision development, there is a concern with the potential of ground water impacts. The City Building Official has visited the site regarding this concern. Based on surrounding dwellings, the Building Official will allow basements to a depth of 62 inches below top back of curb.
- 4.
- Homes constructed in the new subdivision will need to meet the City's recently adopted single family housing standards. After discussing these requirements with the developer, this should not be a problem.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the Blue Sky Subdivision subject to a resolution of staff and agency concerns.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-6-2007 – approved

S-38-2006
Majestic Landing Subdivision – Final Plat
3155 South 7200 West
R-1-10 Zone
22 Lots
7.6 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Rundassa Eshete is requesting final plat approval for the Majestic Landing Subdivision. The subject property was recently rezoned from the A zone to the R-1-10 zone and received preliminary approval in November 2006. The subdivision is bordered by the Hunter Village Subdivision to the east and south, and vacant land to the north.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.
- ☐ Revisions to plat required.
- ☐ Dedication and improvements along 7200 West required.
- ☐ Coordinate storm drain issues with Public Works.
- ☐ Chain link fencing required along the north property line.

Building Division:

- Follow recommendations outlined in the soils report.

Utility Companies:

- Standard Utility Easements required. Special provisions regarding power lines.

Granger Hunter Improvement District:

- ☐ Project is subject to all GHID requirements and design standards.
- ☐ A special easement will be required to sewer the property.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- ☐ Project shall meet all provisions of Fire Code relating to this type of development.
- ☐ Turnaround required.

Parks Department:

- ☐ Dedication of park property to be done by separate deed.
- ☐ Park impact fees to be collected.

ISSUES:

The Majestic Landing subdivision consists of 22 lots on 7.6 acres. This equates to an overall density of 2.9 units per acre. During the rezone application, a development agreement was reviewed and approved by the Planning Commission and City Council. This agreement was reviewed by the Planning Commission during the preliminary application. The subdivision will have mixture of eight and ten thousand square foot lots. Lot sizes range from 8,732 square feet to 12,741 square feet.

The developer will be dedicating two areas of open space in order to continue the trail system from Hunter Village. Lots that are adjacent to the park property have been modified slightly from the preliminary approval. The Parks Department has suggested a more linear design to move people from one location to the next. Staff anticipates that the linear trail system will continue northward out to 3100 South for an eventual connection with the open space system in the Sugarplum Farms Subdivision.

Access to the subdivision will be gained from 7200 West. The developer will be providing a stub street at the east end of the subdivision which will provide access to the north for future development. During the preliminary application, the Fire Department recommended that a turnaround be placed on lots 8 and 16. These driveways will be larger and will be constructed of thicker concrete for this purpose.

The developer will be required to fence the lots adjacent to 7200 West and along the north property line. During the preliminary hearing, the Planning Commission recommended that brick pillars and vinyl fencing similar to that of Hunter Village be used. The Public Works Department will also require that the parkstrip along this road be completed with stamped colored concrete. The developer will be responsible to fence the north property line with a 6-foot chain link fence.

The developer has submitted a soils report. This report indicates that no ground water was encountered to a depth of 11 feet. However, as water levels tend to fluctuate, it will be necessary for this concern to be monitored during construction of the subdivision.

Lots 4 and 20 are encumbered with an easement and aerial right-of-way in favor of Rocky Mountain Power dated 1918. Staff and the developer have evaluated the building envelopes to ensure that dwellings can be constructed without the need for variances. Staff believes that lot 4 will require a specific home plan while lot 20 will accommodate most standard housing plans. But in either case, sufficient building area exists for both lots.

In order to preserve options for water and utility service for the open spaces, the Parks Department is requesting that certain laterals, piping and conduits be installed by the developer. These requirements will be noted during the City's engineering review.

Applicant:

**Rundassa Eshette
214 East Delsada Lane**

Discussion: The applicant, Rundassa Eshette, assured he has resolved all water and sewer issues. Commissioner Matheson asked how tall the powerlines were on this property. He was concerned that if multi-level houses were built, they may be too close to the powerlines. Mr. Eshette replied the powerlines are approximately 25-feet high. He stated he would try to work with Utah Power to align the homes between the powerlines. Chairman Woodruff questioned if the applicant was aware of staff's 11 alternatives. Mr. Eshette replied yes he was aware of staff's recommendations and agreed with them.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved to grant final plat approval for the Majestic Landing Subdivision subject to the following conditions:

1. That the developer resolve all staff and agency concerns.
2. That the subdivision be guided by the development agreement reviewed and approved by the Planning Commission and City Council.
3. That recommendations outlined in the soils report be followed.
4. That the developer be responsible to resolve concerns regarding any existing irrigation systems. The developer shall coordinate this review with water users and the City Public Works Department.
5. That compliance be made with the Water Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall also coordinate sewer connections.
6. That the subdivision name and all associated street names be approved by the Salt Lake County Auditor's Office.
7. That the developer install a fence along 7200 West to match the fence of the Hunter Village Phase 19 Subdivision. In addition, a 6-foot chain link fence will need to be installed along the northern boundary of the subdivision.
8. That the developer coordinate the alignment and easement requirements with Rocky Mountain Power as it affects lots 3 & 4 and 20 & 21.
9. That the fire truck turnaround easement on lots 8 and 16 be 30 feet in width and a minimum of 25 feet in depth. Concrete used for these driveways shall be 6 inches in thickness.
10. That 7200 West be dedicated and improved according to plan and profiles approved by the City Engineering Division.
11. That the developer install improvements to the open spaces are directed by the Parks Department and City Engineering Division.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-38-2007 – approved

S-3-2007

Mountainland Vista Subdivision

6108 West 3500 South

R-1-8 Zone

3 Lots

Mr. Steve Lehman presented the application.

BACKGROUND

Aaron Hanks is requesting preliminary and final subdivision approval for a 3-lot subdivision in the R-1-8 Zone. The subject property was rezoned from the A zone to the R-1-8 zone in July 2005 and presently contains an older dwelling that will shortly be removed from the site. The proposed subdivision is bordered on the north, east and west by residential lots in the Meadow Breeze Subdivision.

STAFF/AGENCY CONCERNS:

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.
- Will need to evaluate a turnaround for this application.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.

- ☐ Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- ☐ Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- ☐ Concern regarding on-site storm water and potential impacts to adjacent properties.
- ☐ Revisions to plat are required.
- ☐ Concerns regarding fill being brought to the site.
- ☐ Grading plan will need to be evaluated. Retaining walls may be required on portions of the east, west and north boundaries of the subdivision.
- ☐ Dedication and improvements required along 3500 South. Developer will need to evaluate existing improvements and tie-in with Meadow Breeze improvements to the east.
- ☐ UDOT approval required. Dedication and improvements along 3500 South as noted above will be subject to UDOT requirements.
- ☐ Will evaluate the possibility of using Meadow Breeze Soils report.

Building Inspections:

- Coordinate soils report with the City Engineering Division.

ISSUES:

- ☐ The developer is proposing a preliminary and final subdivision plat consisting of 3 lots. Lot sizes are well in excess of the required minimums for the R-1-8 zone including those properties to be considered flag lots. An existing dwelling located on lot 1 will be removed as part of the subdivision.
- Access to the subdivision will be gained from 3500 South. The City Engineering Division is recommending dedication and street improvements along the frontage of this property. However, the final decision regarding the dedication and improvements will be determined by UDOT, including the potential modification and tie-in with improvements already installed as part of the Meadow Breeze Subdivision.

- A shared common driveway will serve all lots. The driveway will be designated as a public utility and access easement and will be noted that all owners of the subdivision be active participants for maintenance. The driveway has been configured in such a way to serve as a hammerhead turnaround for emergency vehicles. This matter will need to be reviewed and approved by the Fire Department.
- One concern expressed by both staff and the Planning Commission, is the relationship of the driveway to the corner lot in the Meadow Breeze Subdivision immediately to the east. The existing masonry wall will interfere with sight distance as residents using the driveway approach 3500 South. A suggestion has been made to the applicant to shift the driveway to the west side of the property to help mitigate this concern.
- The subdivision does have a gentle down slope from south to north. A letter was received from the owner of lot 54 in the Meadow Breeze Subdivision expressing concern regarding on-site water. Staff has informed the developer of this concern and will recommend that either a retaining wall be constructed, or that other measures be employed to avoid negatively impacting adjacent properties. The developer will need to coordinate this matter with the City Engineering Division. Fortunately, the rear lots are rather deep which will assist in managing this concern.
- As with all new subdivision development, there is a concern with the potential of ground water impacts. According to the developer's engineer, no ground water was encountered at this site. Therefore, full basements will be allowed as they were in the Meadow Breeze Subdivision.
- During the rezoning of this property, a development agreement was required. Staff will attach the executive summary to remind the Planning Commission of the developer's commitments.

Applicant:

**Aaron Hanks
P.O. Box 1124
Draper, UT 84020**

Concerned:

**Daniel Lang
6089 Meadow Breeze Way**

Discussion: The applicant, Aaron Hanks wants to grade the property instead of using a retaining wall. Chairman Woodruff assured this should be worked out with the City's Engineering Department.

Mr. Daniel Lang was concerned about runoff and drainage. He said privacy could also be a concern, as he did not know how tall the units would be. Chairman Woodruff informed that the lots will be deep, and houses will most likely be near the front of the property so he did not believe privacy would be a concern. Mr. Lang wanted assurance runoff will not be an issue. Steve Lehman said the City will assure drainage and runoff will be addressed, as the applicant must make sure it stays on his property with detention ponds, etc. He explained Public Works will address this with the appropriate treatments. Steve noted a retaining wall may be required where the property is sloped so that adjacent properties would not be impacted. Commissioner Lang asked how far the road to the west would be from the north property line. Steve replied it would be approximately 170-feet from the property line, so the water generated from the road should not travel back onto the lot. Commissioner Matheson asked who will pay for the transition of the portion of curb and gutter from Meadow Breeze. Steve's initial response was that the developer would pay for this cost. He assured the City would coordinate with the developer and UDOT regarding this. Steve reminded that the City does not have any jurisdiction over this, and the transition already exists. He said if Mr. Hanks was to develop his property, most likely UDOT would require the same thing further to the west. Steve believes UDOT will just leave the improvements as they are until UDOT improves the entire road. Commissioner Conder stated if the driveway is placed on the west side, how do you transition back in without encroaching on the other property. Steve explained the applicant may install the improvements up to the 53 half width, which is where the improvements for Meadow Breeze end. Commissioner Clayton asked if the improvements would be abruptly ended at that location. Steve answered yes, although he is not an advocate of this, but the City does not require the developer to install the additional improvements. He stated UDOT may require it, but the City will not.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for to grant preliminary and final plat approval for the Mountainland Vista Subdivision subject to the following:

1. That the developer resolve all staff and agency concerns.
2. That 3500 South be dedicated and improved with curb, gutter, sidewalk and asphalt. Plan and profiles shall be approved by the City Engineering Division. This recommendation will need to be supported by UDOT.
3. That recommendations outlined in the soils report be coordinated with the Building Official and City Engineering Division.

4. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
5. That a grading and drainage plan be reviewed and approved by the City Engineering Division prior to City Council review. The grading plan will need to incorporate measures to ensure that surface water will not percolate or cause negative impacts to adjacent properties.
6. That if retaining walls are required, the developer meet with adjacent residents to review the wall and any future fencing.
7. That the subdivision name be approved by the Salt Lake County Auditor's Office.
8. That the developer coordinate all matters pertaining to storm water with the City Engineering Division.
9. That all recommendations of the Fire Department be satisfied, including the necessary turnaround.
10. That the driveway be moved to the west side of the property. Property lines will need to be adjusted accordingly. The purpose for this requirement is to avoid the sight distance concerns along the southeast corner of the property.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-3-2007 – approved

S-4-2007
Newton Farms Subdivision
3765 South 6515 West.
R-1-10 Zone
19 Lots
6.4 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Eric Bishop is requesting preliminary plat approval for the 2nd phase of the Newton Farms Subdivision. The subject property is located at approximately 3765 South 6515 West and is located immediately to the east of phase 1. The subject property was recently rezoned from the A zone to the R-1-10 zone with an accompanying development agreement. The proposed subdivision is bordered on the north and east by vacant property, and the south by existing single family development.

STAFF/AGENCY CONCERNS:

Fire Department:

- ☐ Fire hydrants to be installed in accordance with the Uniform Fire Code.
- ☐ Will need to coordinate a turnaround on northern street.

Granger Hunter Improvement District:

- Project will need an availability letter for water, sewer and fire protection.
- ☐ Subject to design and review inspections.
- ☐ Subject to the appropriate sewer easements.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- ☐ Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

- ☐ Will need to evaluate how developer will handle storm water. Although easements exist, access for maintenance of the storm drain will need to be coordinated with the Engineering Division.
- ☐ Dedication and improvements for all streets in accordance with Public Works standards.
- ☐ Soils report will be required.

Building Inspections:

- Soils report will be required prior to final plat.

ISSUES:

- The developer is proposing a preliminary subdivision consisting of 19 lots on 6.4 acres. This equates to an overall density of 2.96 units per acre. Lot sizes range from 10,000 to 13,545 square feet. The average lot size has been calculated at 10,328 square feet.
- The subject property recently was rezoned from the A zone to the R-1-10 zone. As part of this rezone, a development agreement was reviewed and approved by the Planning Commission and City Council. Staff will attach a copy of the executive summary as part of the analysis.
- During the rezone hearings, concerns were expressed about the overall area and whether properties would develop independent of each other. To address this concern, both developers have worked off of a conceptual plat showing how the entire area would develop with street patterns and residential connectivity. Although this plan will likely change, at least some consideration has been given to the overall area. Concerns were also expressed about the lack of open space in this area. Although neither phase 1 or 2 have open space areas, some members of the Newton family have expressed a desire to provide for open space in the future. Staff has asked that the Parks Department evaluate the area and provide a few options for open space consideration. Hopefully, this review will be completed by the hearing date.
- Access to the subdivision will be gained from an existing stub street in the Copper Hill Heights No. 2 Subdivision to the south. A second access will be provided from phase 1 to the west. Overall, both phases of the Newton Farms Subdivision will have sufficient access and connectivity at this point in the process.

- The cross section to be used throughout the subdivision will consist of a standard 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. The developer will need to transition the new improvements with the existing improvements on 6515 West. The developer will need to coordinate the dedication and improvements of all streets with the City Engineering Division.
- The subdivision is located in an area that has been farmed for many years. As such, there may be a high water table. A soils report will be required to address this issue prior to final plat review. If basements are not allowed in the subdivision, requirements in the newly adopted housing ordinance will apply. Essentially, for homes without basements, the dwelling size increases by 100 square feet, the garage will increase to a 24 by 24 dimension and/or other storage options could be negotiated with an amended development agreement.
- Fencing will be required as part of the subdivision. Although fencing was addressed during the rezone process, conditions regarding adjacent properties have changed that may require this matter to be re-evaluated. The development agreement requires a 6-foot vinyl fence along the north and west boundary. As property to the west is now going to develop, the fencing requirement along the west boundary could be eliminated. Fencing along the north side will need to be installed, but staff has concerns regarding its placement along a fairly narrow right-of-way. The developer will need to coordinate the north fencing with adjacent land owners to see if the fence could be placed off property line to allow for a more safe travel way. Although not part of the development agreement, a 6-foot chain link fence will need to be installed along the east property line because of its agricultural zone. Any modifications to the development agreement will need to be addressed with the City Council at final plat approval.
- The City Engineering Division has expressed concerns regarding the management of storm water. An easement exists along the northern boundary of the subdivision which extends out to 6400 West. During the study session, the Planning Commission expressed concerns that this may create a long straight roadway that may not be the most desirable plan. The conceptual layout provided by the applicant, shows the street with the storm drain ending with a T intersection not having a connection with 6400 West. Although the proposed road design helps, it still creates a fairly long street. Staff should point out that the layout is conceptual and would be subject to Planning Commission review and recommendation as additional properties in this area develop. The developer will need to coordinate storm water issues with the City Engineering Division. This review will need to account for access and maintenance of the storm water pipe as it crosses private properties.
- The subdivision includes various irrigation ditches. The developer will need to

coordinate any piping of these ditches with the City Engineering Division. In addition, measures shall be taken to ensure that the appropriate water users are aware of the proposed subdivision and suggested methods to continue delivering irrigation water to those with water shares.

Applicant:

Eric Bishop

44 Wanderwood Way

Concerned:

Glen Brock

3940 So. 5200 W.

Discussion: Mr. Eric Bishop distributed copies of a conceptual lot plan for the entire property. He discussed storm drain issues, stating there is an easement, but servicing the manhole in between this development and 6400 West continues to be a concern. Mr. Bishop said this issue should be resolved by final plat approval. He mentioned the survey does not show an existing ditch which runs through the subdivision. Mr. Bishop indicated the irrigation ditch will be redirected and diverted to agriculture property that has not yet been developed. He stated it will stay on the north side of the property, and this will be resolved before final plat approval. Mr. Bishop mentioned he will talk with adjacent property owners regarding where they want the fence located. He will also work with adjacent developer, Tom Nixon regarding fencing issues. Commissioner Conder confirmed the direction of the sewer. Mr. Bishop mentioned an easement was obtained by Tom Nixon that will allow the sewer to go directly north, and the storm drain will go east. Steve Lehman indicated the conceptual plat shows there is not a road that goes all the way out to 6400 West, as it is actually set back approximately 200-feet. He reminded this plat is not necessarily the approved version, but it does not go all the way out to 6400 West, which should help with the long, straight street. Commissioner Matheson questioned if a fence would be required adjacent to residential. Steve noted the development agreement required a fence, and that requirement must be waived by the City Council.

Mr. Glen Brock farms the adjacent property and he had concerns regarding irrigation and public water. He wanted the timing rights to be taken care of when the ditch is piped and construction commences so it does not interfere with the irrigation of the land. Steve assured one of the conditions of approval is that the developer work with irrigation users to make sure all issues are taken care of. He said this will be coordinated with the Public Works Department.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved to approve the 2nd phase of the Newton Farms Subdivision subject to the following conditions:

1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
2. That the subdivision name and interior street names be approved by Salt Lake County.
3. That an appropriate ground water and soils investigation be made by a certified engineer. Said report shall be reviewed by the City Engineer and Building Official prior to final plat review.
4. That interior street widths and cross sections be reviewed and approved by the Public Works Department.
5. That all matters pertaining to any existing irrigation ditches be addressed with the Public Works Department and existing water users. This shall include any proposed piping and clean out box locations.
6. That the developer coordinate storm drain concerns with the Public Works Department.
7. That all streets be dedicated and improved according to plan and profiles approved by the City Engineering Division.
8. That the subdivision be subject to the approved development agreement.
9. That the developer resolve all staff and agency concerns.
10. That 6-foot chain link fence be installed along all agricultural properties. Other fencing shall be installed per the recorded development agreement. If modifications are proposed to the development agreement, they will need to be addressed with the City Council.
11. That the Fire Department evaluate turnaround requirements along the northern road. Staff suggests a turnaround easement on lot 218 to facilitate this. Said easement shall be a minimum width of 30 feet and a minimum depth of 30 feet. The driveway will be required to have 6 inches of concrete within the easement area.

Commissioner Lang seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-4-2007 – approved

S-8-2007

The Vistas at Westridge Subdivision - Phase 5 –Final Plat

Eric Bishop

R-1-8 Zone

12 Lots

3.06 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Eric Bishop is requesting final plat approval for the 5th phase of the Vistas at Westridge Subdivision. The proposed subdivision will amend lot 453 of the Vistas at Westridge Phase 4 Subdivision. The Vistas Phase 4 was approved in 2004. Lot 453 was reserved and set aside as a potential church site. Due to some unique deed requirements, the LDS Church is no longer interested in acquiring this site. The developer is therefore proposing a final plat to develop this property.

Staff has determined that the preliminary review and subsequent engineering reviews of phase 4 are sufficient enough to bypass a preliminary review of this application. Therefore, a determination has been made to process this application as a final plat.

STAFF/AGENCY COMMENTS:

Public Works Department:

- ☐ Concerns regarding ground water. A new soils report will need to be submitted.
- ☐ Construction of new dwellings will be subject to gravel under basement floors and sump systems in each home.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.
- ☐ Revisions to plat required.
- ☐ Will need to coordinate storm water with the Engineering Division. An approved easement will be needed between lots 484 and 485.

Building Division:

- Follow recommendations outlined by the City Engineering Division regarding ground water.

Utility Companies:

- Standard Utility Easements required.

Granger Hunter Improvement District:

- ☐ Project is subject to all GHID requirements and design standards.
- ☐ Concerns have been expressed regarding sewer capability.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.

ISSUES:

- The 5th phase of the Vistas at Westridge Subdivision consists of 12 lots on approximately 3 acres. This equates to an overall density of 4.0 units per acre.

Lot sizes range from 8,054 square feet to 11,254 square feet. The average lot size has been calculated at approximately 8,800 square feet.

- During the rezone hearings, a lot size requirement was imposed by the Planning Commission and City Council. The R-1-8 zone of the Vistas is to have a minimum 30% of all lots at or greater than 10,000 square feet. An overall calculation (including this phase) reveals that the number of lots at 10,000 square feet is 30.2%.
- Access to this phase of the subdivision will be gained from City Vistas Way. The road has been designed with an off-set cul-de-sac to make better use of the unique property situation. Because the subject property was designed for a church, it does have some unique design problems. The street within this phase will have a cross section that includes a 6-foot parkstrip and 5-foot sidewalk.
- As with previous phases in the Vistas Subdivision, the property slopes from the southwest to the northeast. Although fairly minimal in the case, the topography could create potential problems for builders of new homes. The City Engineering Division will need to evaluate the grading and drainage plan to ensure that adjacent properties will not negatively be impacted.
- The developer will be responsible to coordinate the availability of all utilities for the subdivision. In the case of water and sewer, Granger Hunter Improvement District has notified staff that water is available, but a concern exists with the ability to sewer the site. The developer will need to coordinate this matter with GHID.
- An updated geotechnical report has been submitted for this phase of the subdivision. This report indicates that subsurface water was encountered in various areas of the subdivision ranging from 3.5 to 13 feet. The southwest corner of the subdivision demonstrated the highest ground water levels. The developers engineer has noted that lot 479 will be the only lot in the subdivision with a shallow basement. The developer will need to coordinate the ground water issues with the City Engineering Division. The Public Works Department is recommending that to protect against possible ground water impacts, basements will need to be fitted with a sump pump system and gravel under all floor slabs.
- The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings.

- A recorded development agreement will address building size, architectural style, building materials, and front yard landscaping. Provisions of this agreement will be addressed with each home builder and will be reviewed as part of each building permit.
- As with other phases of the subdivision, there are concerns with the noise from concerts held at the USANA Amphitheater and from potential impacts of the Frito Lay manufacturing plant. These concerns have been addressed as part of the development agreement and notations on the final plat.

Applicant:

Eric Bishop

44 Wanderwood Way

Discussion: Mr. Eric Bishop discussed easement issues which he assured will be resolved before the final plat.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Lang moved to grant final plat approval for the 5th phase of the Vistas at Westridge Subdivision subject to the following conditions:

1. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant
2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
3. That compliance be made with the Granger Hunter Improvement District and Kearns Improvement District as they may apply regarding water line extensions, connections, water rights and fire protection. The developer shall resolve the sewer issue with GHID before final plat submittal.
4. That the developer coordinate storm drain issues with the City Engineering Division.
5. That the developer coordinate all matters pertaining to the soils report

with the City Engineer and Building Official. Also, that the land drain system continue to be evaluated to ensure that ground water will not impact new construction. Sump pumps and gravel under floor slabs will be required of all homes in this phase of the development.

6. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code. This section outlines the requirements for construction within the Overpressure Zone.
7. That a note be placed on the plat notifying potential residents that this subdivision is located near manufacturing property and may be subject to noise and odors associated with manufacturing uses and entertainment uses.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-8-2007 – approved

PLANNING COMISSION BUSINESS

Approval of minutes from January 24, 2007 (Regular Meeting) **Approved**

Approval of minutes from February 14, 2007 (Regular Meeting) **Approved**

Approval of minutes from February 21, 2007 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:39 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant